

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

Criminal No. 2:01CR6

SCOTT MICHAEL DERSIN,
Defendant.

ORDER/OPINION

On the 5th day of July 2011, came the defendant, Scott Michael Dersin, in person and by his counsel, Lary D. Garrett, and also came the United States by its Assistant United States Attorney, Andrew Cogar, pursuant to a Petition for Warrant or Summons for Offender Under Supervision filed in this case on May 19, 2011, alleging:

1. Violation of Mandatory Condition: The defendant shall not commit another Federal, state, or local crime. The defendant shall not illegally possess a controlled substance.
2. Violation of Standard Condition No. 3: The defendant shall answer truthfully all inquiries by the Probation officer and follow the instructions of the Probation Officer.
3. Violation of Standard Condition No. 5: The defendant shall work regularly at a lawful occupation unless excused by the Probation Officer for schooling, training, or other acceptable reasons.
4. Violation of Standard Condition No. 7: The defendant shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.
5. Violation of Standard Condition No. 8: The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
6. Violation of Standard Condition No. 9: The defendant shall not associate with any persons engaged in criminal activity.

The Probation Officer further reported prior reports of non-compliance including: 1) On June 8, 2009, for failure to report to the Probation Officer and failure to participate in treatment; and 2)

on July 28, 2009, after which Defendant's supervision was revoked for simple drug possession subsequent to a prior conviction for a narcotic offense, failing to report to Probation Officer, and positive marijuana test. He was sentenced to 18 months imprisonment followed by 29 months of Supervised Release.

Prior to the taking of evidence, Defendant waived the preliminary hearing, conceding probable cause existed to forward this revocation matter to Chief United States District Judge John Preston Bailey for hearing and disposition. The Court then explained the charges contained in the Petition and the effect of the proposed waiver to defendant and inquired of him as to the voluntariness of his decision to waive hearing on the matter. From the colloquy between the Court and the defendant, the Court concluded Defendant's decision to waive hearing was freely, knowingly, and voluntarily made.

Upon consideration of all which, the Court finds Defendant violated conditions of his supervised release as alleged in the Petition for Warrant or Summons for Offender Under Supervision filed May 19, 2011.

It is therefore **ORDERED** that the defendant be bound over for a full hearing before Chief United States District Judge John Preston Bailey on the Petition for Warrant or Summons for Offender Under Supervision filed May 19, 2011. It is further **ORDERED**

Defendant is remanded to the custody of the United States Marshal pending further proceedings.

The clerk of the court is directed to transmit a copy of this order to counsel of record.

DATED: July 5, 2011.

John S. Kaull
JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE